

(2009) 07 DEL CK 0231

Delhi High Court

Case No: Mac. App. No. 72 of 2009

Pradeep Sharma and Another

APPELLANT

Vs

Jagveer Singh and Others

RESPONDENT

Date of Decision: July 31, 2009

Hon'ble Judges: J.R. Midha, J

Bench: Single Bench

Advocate: R.L. Goel, for the Appellant; Amit Kumar Pandey, for R-3, for the Respondent

Final Decision: Allowed

Judgement

J.R. Midha, J.

The appellants have challenged the award of the learned Tribunal whereby compensation of Rs. 10,70,000/- has been awarded to the appellants. The appellants seek enhancement of the award amount.

2. The accident dated 16th February, 2007 resulted in the death of Piyush Sharma. The deceased was survived by his parents who filed the claim petition before the learned Tribunal.

3. The deceased was aged 19 years at the time of the accident and was working as Network Engineer earning Rs. 10,000/- as salary duly proved by Ex.PW2/A and Ex.P-4A. The learned Tribunal deducted 1/3rd towards the personal expenses of the deceased and applied the multiplier of 13 to compute the loss of dependency at Rs. 10,40,000/-. Rs. 5,000/- each has been awarded towards loss of estate, funeral expenses and transportation of the dead body. Rs. 15,000/- has been awarded towards loss of love and affection. The total compensation awarded is Rs. 10,70,000/-.

4. The Learned Counsel for the appellant submits that the age of the parents is between 40-45 years and, therefore, the appropriate multiplier according to the recent judgment of Hon'ble Supreme Court in the case of [Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another](#), is 14 whereas the learned

Tribunal applied the multiplier of 13. Multiplier in the present case is increased from 13 to 14.

5. The Learned Counsel for the appellant further submits that the learned Tribunal has not taken the future prospects into consideration. Following the aforesaid judgment of the Hon"ble Supreme Court, the future prospects of the deceased are taken into consideration by adding 50% of his income. The salary of the deceased is taken to be Rs. 15,000/-(Rs. 10,000 + Rs. 5,000). The learned Tribunal has deducted 1/3rd towards the personal expenses of the deceased. However, the Hon"ble Supreme Court in the aforesaid judgment held that in the case of unmarried person, 50% has to be deducted towards the personal expenses of the deceased. The personal expenses of the deceased are, therefore, taken to be 1/2 instead of 1/3rd. The loss of dependency of the appellants is taken to be Rs. 7,500/-. Applying the multiplier of 14, the loss of dependency is computed to be Rs. 12,60,000/- (Rs. 7,500 x 12 x 14). Adding Rs. 15,000/- towards loss of estate, funeral expenses and transportation of dead body and Rs. 15,000/- towards loss of love and affection, the total compensation is computed as Rs. 12,90,000/-.

6. The appeal is allowed and the award amount is enhanced from Rs. 10,70,000/- to Rs. 12,90,000/- along with interest @7.5% from the date of filing of the petition till realization. The enhanced amount be deposited by respondent No. 3 with the learned Tribunal within 30 days.

7. Upon aforesaid deposit being made, the learned Tribunal shall release Rs. 50,000/- to the appellants and the remaining amount be kept in fixed deposit for a period of five years on which no loan, advance or withdrawal be permitted without the permission of the learned Tribunal.

8. Copy of this order be given "Dasti" to Learned Counsel for the parties under the signature of Court Master.